North Carolina Division of Water Quality Response to Comments and Summary of Final Changes to NPDES Stormwater General Permit NCG060000 (2012 Renewal)

Background

NPDES General Permit NCG060000, which regulates stormwater discharges from Food and Kindred Products [standard industrial classification (SIC) 20], Tobacco Products (SIC 21), Soaps, Detergents and Cleaning Preparations; Perfumes, Cosmetics and Other Toilet Preparations (SIC 284), Drugs (SIC 283), and Public Warehousing and Storage (SIC 4221-4225), expired on October 31, 2012. The North Carolina Division of Water Quality (DWQ) announced in selected newspapers across the State on or about September 1, 2012 that the draft of the proposed renewal General Permit would be posted on our website for public comment. DWQ also ran this notice in the North Carolina Register the same month; on the Stormwater Permitting Unit website in September 2012; as well as in renewal letters to all affected permittees.

DWQ revises and reissues NPDES stormwater General Permits on a five-year schedule. Every five years we review collected analytical data from the previous five-year term of the permits; evaluate identified compliance problems and problems in our enforcement of the permits; and seek to improve the effectiveness of the permits as stormwater management tools for the permittees.

The draft NCG060000 permit and Fact Sheet were posted to the Stormwater Permitting Unit's website on September 1, 2012. The public comment period was scheduled to close on October 1, 2012 and was extended to October 8th to compensate for the delay in some newspaper notice publish dates. During this time, DWQ staff received comments from seven parties on this proposed draft General Permit NCG060000. The Division also received public comments about proposed draft general permits for other industrial sectors expiring at the same time, and some of those comments have been addressed in the final NCG060000 permit for consistency.

EPA Region IV staff in Atlanta was sent the draft General Permit on September 4, 2012. On September 17, 2012, EPA Region IV responded that the agency concurred with no comments. EPA's additional review and approval would be necessary if the proposed final General Permit incorporated significant changes from the draft or if significant public comments objecting to the permit were received. DWQ concluded that neither of these criteria was met and therefore, further EPA review is not required.

DWQ prepared this summary document both for those interested parties that submitted written comments on draft General Permits proposed at the same time, as well as for other interested parties. This document will be posted on our website for public access.

Comments and Responses

DWQ received written comments from seven parties on the draft General Permit NCG060000 during the announced public comment period.

1. Fecal coliform (or enterococci in saltwaters) monitoring. All comments were related to concerns about the proposed expansion of fecal coliform monitoring to any facilities that use animal fats/byproducts, including feed mills. Currently, only facilities that process meat must monitor for fecal coliform. The commenters stated that these materials go through a heating process to kill any bacteria prior to delivery via truck or rail to these facilities. They also stated that just by the nature of their activities, large amounts of wildlife are attacked to the facilities. Implying that any high levels of fecal coliform in the stormwater is from animal waste, not their materials and/or processes at the facility. The commenters all stated that expansion of bacteria monitoring would be a logistical and economic burden; and that other less burdensome remedies are available. This may include case-by-case enforcement or increase in implementation of SPCC and/or SPPP plans. Finally, one comment stated that the existing monitoring for COD is a good surrogate for bacteria. The comments all asked that fecal coliform monitoring not be expanded to feed mills.

Response: DWQ has removed the expansion of bacteria monitoring from the final permit. It continues to apply to facilities that process meats. However, based on limited data and field observations, DWQ continues to feel that bacteria is a potential pollutant of concern in stormwater discharges from facilities that use animal fats/byproducts. DWQ also does not agree that COD will accurately serve as a surrogate for bacteria. Therefore, in lieu of monitoring stormwater discharges for bacteria, the permit now instead includes language in Part II, Section E that requires facilities that use animal fats/byproducts to develop and implement a best management practices (BMP) assessment and report to the DWQ. This is based on input from and discussions with some of the commenters. In addition, DWQ Regional Offices may work with these facilities to establish better good housekeeping and facility BMP's to further reduce potential for bacteria in stormwater discharges and reduce attractiveness to wildlife.

The language in footnote 4 of Table 1 was modified to state that the fecal coliform (or enterococci for saltwaters) monitoring only applies at facilities that process meat. This is consistent with the previous term of the permit that expired October 31, 2012.

Summary of Other Changes to the Final Permit

DWQ made other changes to the draft permit before finalizing. These changes were minor, and DWQ concluded additional notice and/or EPA review was not necessary. The changes (in addition to those discussed above) were:

- 1. Part II, Section A (Stormwater Pollution Prevention Plan), 2.(b): Added language to include petroleum products and reference how federal oil Spill Prevention, Control, and Countermeasure Plan (SPCC) can fulfill *some requirements* of the Stormwater Pollution Prevention Plan (SPPP) where it demonstrates compliance.
- 2. Part II, Table 1 (Analytical Monitoring for Stormwater), Footnote 3: Added clarification that DWQ's representative outfall status (ROS) approval remains in effect through subsequent renewals as long as relevant site conditions and operations have not changed.
- 3. Part II, paragraph following Table 1: Language added to specify that "Sampling is not required outside of the facility's normal operating hours."
- 4. Part II, paragraph following Table 2: Language modified to include option for Division to require monthly monitoring because of a failure to monitor semi-annually (rather than automatically requiring monthly monitoring upon failure to monitor). Also, clarification that adverse weather conditions preventing sample collection does not constitute a failure to monitor.
- 5. Part II, second paragraph following Table 2: Added clarification that DWQ's release of a permittee from Tier 2 monthly monitoring remains in effect through subsequent renewals unless other conditions are specified.
- 6. Part II, Table 3: Modified Footnote 1 to allow precipitation pH (if lower than 6 s.u.) as lower benchmark value.

Conclusion

DWQ made changes to fecal coliform monitoring (removed proposed expansion beyond meat processing facilities) based on the comments received on the proposed draft General Permit NCG060000 and incorporated comments regarding other proposed general permits, as appropriate, as indicated above. Alternatives to the expanded fecal coliform monitoring were added to the permit.